

*For: **Monday, December 11, 2023**, City Council Meeting*

Advance Packet Information

Published: November 30, 2023

Included in this packet is documentation to support the following Agenda items:

PUBLIC HEARINGS/ORDINANCES

1. Adopt Ordinance 23-O-810, Authorizing the Issuance of Wastewater Revenue Bonds to Finance Improvements to the Wastewater System
 - a. Draft Ordinance 23-O-810
2. Adopt Ordinance 23-O-811, amending BMC 13.050.250 Water Curtailment
 - a. Draft Ordinance 23-O-811
 - b. Exhibit A

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, or at City Hall. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 11, 2023

Originating Dept: Finance & Admin

Signature (submitted by)



City Manager Approval

Subject: Authorize the Issuance of Wastewater Revenue Bonds

Recommended Motion:

Adopt Ordinance 23-O-810 Authorizing the Issuance of Wastewater Revenue Bonds to Finance Improvements to the Wastewater System.

Financial Impact:

Up to \$30,000,000 debt to be paid annually from Wastewater Loan funds, included in budget.

Background/Discussion:

In April 2022, USDA-RD approved loan funds of \$24,996,000 and grant funds of \$2,569,000 for the Wastewater Treatment and Sewer Line Improvement Project.

In March 2023, Council adopted a resolution and USDA RUS Bulletin 1780-27 Loan Resolution form for each loan/grant.

On November 13, 2023, Council approved a contract with Hawkins Delafield & Wood for bond counsel services related to the USDA loans. Hawkins drafted the attached ordinance to be adopted by council, as required by USDA. In consultation with Hawkins and USDA, it is recommended that the ordinance include a contingency, in case the City later requests additional loan funds; therefore, the authorization is up to \$30,000,000. The City will not borrow more than the original \$24,996,000 awarded by USDA, without Council approval, as required. Including a contingency allows flexibility and minimizes the risk of duplicating legal costs on this process.

Attachment:

Ordinance 23-O-810 Authorizing WW Revenue Bonds

CITY OF BROOKINGS, OREGON

ORDINANCE 23-O-810

AN ORDINANCE OF THE CITY OF BROOKINGS, OREGON, AUTHORIZING THE ISSUANCE OF WASTEWATER REVENUE BONDS TO FINANCE IMPROVEMENTS TO THE WASTEWATER SYSTEM.

WHEREAS the City of Brookings, located in Curry County, Oregon (the "City") is authorized to issue revenue bonds for any public purpose under ORS 287A.150. Revenue bonds issued under ORS 287A.150 may be payable from all or any portion of the "revenues" or other property of the City. ORS Chapter 287A defines "revenues" to include all fees, tolls, excise taxes, assessments, property taxes and other taxes, rates, charges, rentals and other income or receipts derived by a public body or to which a public body is entitled.

WHEREAS ORS 287A.150 permits the City to authorize revenue bonds by enacting a nonemergency ordinance. The City may not sell those revenue bonds until the period of referral has passed.

WHEREAS the City has identified the need to finance improvements to the City's wastewater system, which may include sewer improvements to the collection system, expansion of the wastewater system to the northern end of the city, wastewater main replacements and rehabilitation, pump station improvements, and treatment plant improvements (collectively, the "Project").

WHEREAS prior to the issuance of the revenue bonds the City may incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the City.

WHEREAS the City has determined that those moneys advanced to pay the Expenditures prior to the issuance of the revenue bonds are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of the revenue bonds, which may be issued in one or more series.

WHEREAS the City enacts this nonemergency ordinance to authorize the issuance of up to \$30,000,000 of wastewater revenue bonds to finance the Project.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Revenue Bonds Authorized. The City hereby authorizes the issuance of not more than Thirty Million Dollars (\$30,000,000) in aggregate principal amount of revenue bonds (the "Bonds") under ORS 287A.150 to finance costs of the Project and costs of issuing the Bonds. Prior to selling the Bonds the City Council shall adopt a resolution or ordinance establishing the terms and conditions of the Bonds, or delegating the authority to establish those terms and conditions.

Section 2. Bonds Payable Solely from Revenues; No Additional Taxes Authorized. The Bonds shall be payable from the revenues of the City’s wastewater system and the City may pledge those revenues, and any other “revenues” as defined in ORS Chapter 287A or property of the City to pay the Bonds. Neither the authorization nor the issuance of the Bonds shall authorize the City to levy any additional taxes.

Section 3. Procedure. The Bonds shall not be sold until the period of referral of this nonemergency ordinance has expired.

Section 4. Reimbursement. The City hereby declares its official intent to reimburse its expenditures on the Project with the proceeds of the Bonds pursuant to United States Treasury Regulation 1.150-2.

Passed by the City Council on December 11, 2023, effective January 10, 2024.

Signed by me in the authentication of its passage on the ____ day of _____, 2023.

ATTEST:

Council President, Andy Martin

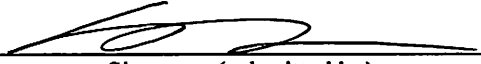
City Recorder, Janell K. Howard

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 11, 2023

Originating Dept: PWDS


Signature (submitted by)


City Manager Approval

Subject: Amend BMC 13.050.250 Water Curtailment

Recommended Motion:

Motion to adopt Ordinance #23-O-811 amending the Brookings Municipal Code, Chapter 13 Public Services, subsection 13.050.250 Water Curtailment as described in Exhibit A.

Financial Impact:

None.

Background/Discussion:

On September 6, 2023, Randy Spitzer, Supervisory Hydrologic Technician for the US Geological Survey (USGS) made a presentation at a Council workshop regarding how the river flow data is collected at the Chetco river gage station and disseminated to the public. What we learned was the information is “provisional” and may not accurately represent the actual river flow at the time the measurement was taken. Our code as it is written now, doesn’t account for how the data is “provisional” until it is verified by a USGS technician who takes a reading on site on average one time a month.

Code revisions described in exhibit A (attached) will allow staff to accurately respond, in a timely manner, to the data that is published by USGS as “provisional” and then verified on site by USGS as it applies to Chapter 13.05.250 Water Curtailment of the Brookings Municipal Code.

Additionally, USGS recommends that the City consider signing up for “Water Alert” which is a service provided by USGS that can be set up to notify a designated staff person that if the flow readings get to, or just below 100cf will then trigger staff to call USGS to verify the reading on site as described in the proposed code revisions. Staff is working with Jacobs and USGS to participate in “Water Alert”.

Staff recommends adoption of Ordinance #23-O-811, amending the Brookings Municipal Code, Chapter 17 Public Services, amending Chapter 13.050.250 Water Curtailment as described in Exhibit A.

Attachments:

- a. Ordinance 23-O-811
- b. Exhibit A

CITY OF BROOKINGS, OREGON

ORDINANCE 23-O-811

IN THE MATTER OF ORDINANCE 23-O-811, AN ORDINANCE AMENDING A SUBSECTION OF CHAPTER 13 PUBLIC SERVICES IN THE BROOKINGS MUNICIPAL CODE

Sections:

Section 1. Ordinances Identified.

Section 2. Amends Section 13.05.250 Water Curtailment

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Subsection 13.05.250 Water Curtailment in Chapter 13 Public Services of the Brookings Municipal Code.

Section 2. Amends Chapter 13 Public Services, Sections 13.05.250 Water Curtailment as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Passed by the City Council on December 11, 2023, effective January 10, 2024.

Signed by me in the authentication of its passage on the ____ day of _____, 2023.

ATTEST:

Council President, Andy Martin

City Recorder, Janell K. Howard

Exhibit A

Water Curtailment

Changes to BMC:

(additions are **bold and underlined**, deletions are ~~**bold and strikeout**~~)

Chapter 13

PUBLIC SERVICES

Chapter 13.050.250

Water Curtailment

§ 13.050.250 Water curtailment

It is the policy of the city of Brookings to provide clean, healthful, and plentiful water to its residents. To address the impact of a potential water shortage on the city's residents and the ability of the Chetco River to serve as a viable habitat to important fishery resources, the following rules shall apply.

A. Implementation. In order to limit water withdrawal from the Chetco River to a daily average of 5.1 cfs whenever the three-day average flow of the river is below 80 cfs, **and verified using a USGS approved method**, the following guideline for levels of curtailment may be implemented. The city may implement levels of curtailment at other times as determined necessary:

Grade 1: River flow is below 100 cfs and water withdrawal is above 4.5 cfs.

Grade 2: River flow is below 80 cfs and water withdrawal is above 4.5 cfs.

Grade 3: River flow is below 80 cfs and water withdrawal is above 4.7 cfs.

Grade 4: River flow is below 80 cfs and water withdrawal is above 5.0 cfs.

1. River flows shall be a three-day average using a USGS approved method of measurement conducted by a trained person and measured at **the USGS stream gauge on the Chetco River. a location approved by Oregon Water Resources.**

2. Water withdrawal shall be a 24-hour average. Water withdrawal shall be metered and data shall be available to the public.